

REMARKS

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of furthering the prosecution of the application and to further Applicants' business interests, and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

In the Final Office Action mailed August 5, 2009, the Examiner issued a number of rejections. Each of the rejections is discussed in detail below.

The Examiner's rejections are as follows:

- I. Claims 16 and 17 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by Cao et al. (US 2003/0233675; hereinafter "Cao").
- II. Claims 1-17, 20, and 21 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by Rosen et al. (US 2007/015271; hereinafter "Rosen").
- III. Claims 11-15, 20, and 21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly non-enabled.

A. The Claims are Novel

In the Office Action of August 5, 2009, the Examiner rejected Claims 16 and 17 under 35 U.S.C. §102(e) as allegedly anticipated by Cao et al and Claims 1-17, 20, and 21 under 35 U.S.C. §102(e) as allegedly anticipated by Rosen et al. The examiner states, "Cao et al. discloses SEQ ID NO: 24511...nucleic acids 208-189 are identical to SEQ ID NO: 8" (Office Action of August 5, 2009, page 3), and similarly, "Nucleic acids 86-105 of SEQ ID NO: 976 disclosed by Rosen et al. are identical to the nucleic acid sequence of SEQ ID NO: 2" (Office Action of August 5, 2009, page 4).

In order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the same (or similar claims) in the future, Claims 1, 7, 11, 16, and 17 are herein amended to read "consists of". Therefore, such limitations are not taught, described, enabled and/or motivated by either Cao et al. or Rosen et al. The Applicants request withdrawal of the respective rejections.

B. The Claims are Enabling

In the Office Action of August 5, 2009, Claims 11-15, 20, and 21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly non-enabled. The Examiner states, "...the specification, while being enabling for a method of treating an inflammatory skin disease comprising administering to a subject in need thereof an effective amount of a CpG oligodeoxynucleotide (ODN) comprising the formula SYYSAGGTTSNYRAWYTC (SEE ID NO:1)...does not reasonably provide enablement for a method of treating or preventing any skin disease other than an inflammatory skin disease." (Office Action of August 5, 2009, page 6).

In order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the same (or similar claims) in the future, Claims 11, 15, and 16 are amended to recite "an inflammatory skin disease". The term "skin cancer" is eliminated from Claim 15. Additionally, the active step "wherein said administering is correlated with an improvement of an inflammatory skin disease symptom in said subject" is hereby added to Claim 11. Claims 20 and 21 are canceled without prejudice. Applicants respectfully submit that Claims 11, 15, and 16 are fully enabled by the specification, and should be passed to allowance.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that Applicants have addressed all grounds for rejection and Applicants' claims should be passed to allowance. Reconsideration of the application is respectfully requested. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourages the Examiner to call the undersigned collect at (608) 662-1277.

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Respectfully submitted,

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